

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

March 8, 2012

**IN REPLY REFER TO:
1800B3-DW**

Cary S. Tepper, Esq.
Booth, Freret, Imlay & Tepper, P.C.
7900 Wisconsin Avenue, Suite 304
Bethesda, MD 20814-3628

In re: WIHY(AM), Hurricane, WV
Facility ID No. 42653
Silent since February 28, 2012

Request for Special Temporary
Authority to Remain Silent

Dear Mr. Tepper:

This letter concerns the request you filed on March 5, 2012, on behalf of Big River Radio, Inc. ("BRR"), for Special Temporary Authority to permit AM Radio Station WIHY to remain silent.

BRR's request states that Station WIHY(AM) went silent on February 28, 2012, pending a proposed sale of the station. The request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

BRR's request is granted. Accordingly, Special Temporary Authority is granted to permit Station WIHY(AM) to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station WIHY(AM) will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., March 1, 2013.**² See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g).

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower shall be maintained until removed. See 47 C.F.R. §§ 17.6 and 73.1740(a)(4).

Sincerely,



Lisa A. Scanlan
Assistant Chief, Audio Division
Media Bureau

¹ In the event extension of special temporary authority is sought, please renew the certification in this matter.

² In addition to filing electronically with the Commission on the date operations resume, notification of resumption of broadcast operations must be emailed to Denise.Williams@FCC.gov.